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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/775,285	02/01/2001	Kimberlee A. Kemble	6169-149	8255
40987	7590	01/04/2006		
AKERMAN SENTERFITT P. O. BOX 3188 WEST PALM BEACH, FL 33402-3188			EXAMINER VU, THANH T	
			ART UNIT	PAPER NUMBER
			2174	

DATE MAILED: 01/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/775,285

Applicant(s)

KEMBLE ET AL.

Examiner

Thanh T. Vu

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This communication is responsive to Amendment, filed 10/03/2005.

This action is made Final.

Claims 1-20 are pending in this application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 6 and 9-18 are rejected under 35 USC 102(e) as being anticipated by Gould et al ("Gould"), US-6,088,671.

As per claim 1, Gould teaches a method for presenting database query results through an audio user interface (AUI), comprising: initiating a database query operation (*command*), the operation retrieving a plurality of database query result items from at least one database (*retrieve matches from templates*); and, presenting each query result item through the AUI as each query result item is found in at least one database, the presenting step occurring concurrently with the database query operation (col. 4, lines 59-col. 5, line 2, Fig. 8a; col. 6, lines 47-52).

As per claim 2, Gould teaches the method further comprising: detecting a speech response through the AUI during the presentation, the speech response selecting the query result item presented through the AUI; and, responsive to the detection, terminating the database query operation (*CPU is finished and text is removed*) (col. 6, lines 35-46).

As per claim 3, Gould teaches the method further comprising: detecting a command during the presentation to terminate the database query operation; and, responsive to the detection, terminating the database query operation (*CPU terminates upon speech (command) being recognized*) (col. 6, lines 24-26).

As per claim 4, Gould teaches the method wherein the command is a speech command (col. 6, lines 18-24).

As per claim 5, Gould teaches the method further comprising: inserting each result item in a data structure as each query result item is found (col. 7, lines 43-52).

As per claim 6, Gould teaches the method wherein the presenting step comprises: presenting each query result item contained in the data structure independently but concurrently with a database query operation (*partial listing shows how recognition is proceeding*) (col. 7, lines 43-52).

As per claim 9, Gould teaches a method for presenting database query results through an audio user interface (AUI) comprising:

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a database manager for managing a database query operation on at least one database, the database query operation producing database query result items; and,

a dialog manager for managing the presentation of said database query result items through the AUI concurrently with, said database query operation (col. 2, lines 50-64).

As per claim 10, Gould teaches a system wherein the AUI comprises:

a text-to-speech processor for converting the database query result items into audible speech; and, a speech recognition engine for converting speech input into text recognizable by the dialog manager (Fig. 2, 38; col. 4, lines 12-15).

As per claim 11, Gould teaches the system wherein the AUI further comprises: a barge-in facility(*when command is determined, partial listing is terminated and command is executed*) (col. 6, lines 30-36).

As per claim 12, Gould teaches the system wherein a queue for storing database query result items from the database query operation; and, a queue manager for managing the insertion and removal of database query items to and from the queue (col. 6, lines 38-41).

As per claims 13-18 they are the machine-readable storage claims of claims 1-6, and are thus rejected under the same rationale.

Claim Rejections - 35 USC § 103

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8 and 20 are rejected under 35 USC 103(a) over Gould et al ("Gould"), US 6,088,671 in view of Bruce et al, US-6,539,080.

As per claims 8 and 20, Gould discloses claims 1 and 13 but does not explicitly teach the method or machine-readable storage wherein the AUI is a telephony interface. However, Bruce et al teach the method and machine-readable storage wherein the AUI is a telephony interface *(telephone call is placed)* (Abstract, lines 3-19) *(Merriam- Webster's dictionary defines a telephony interface as the use or operation of an apparatus for transmission of sounds between widely removed points with or without connecting wires)*. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Gould with Bruce et al's step of incorporating a telephony interface into an AUI speech and voice recognition system in order to create a system where information can be transmitted from two geographically removed points.

Claims 7 and 19 are rejected under 35 USC 103(a) over Gould et al ("Gould"), US 6,088,671.

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As per claims 7 and 19, Gould teaches the invention substantially as claimed including the method and the machine-readable storage wherein the data structure is selected from the group consisting of a list (col. 7, lines 43-52). Gould does not teach the method wherein the data structure is a stack, or a database. However Official Notice is taken that databases and stacks are very well known in the art, therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to include the possibility of using a stack or database data structure in order to provide a variety of storage possibilities based on need.

Response To Argument

In the remarks, applicant has argued in substance that:

- (1) Gould does not teach a database query operation.
- (2) Gould fails to disclose terminating a database query operation responsive to a speech response.
- (3) Gould fails to teach that query results can be presented through an AUI.
- (4) Gould does not teach a dialog manger that manages the audible presentation of database query result items concurrently with the database operation.
- (5) Gould teaches nothing about using a text-to-speech processor for converting database results into speech.
- (6) Gould does not teach the barge-in facility taught in the Applicant's invention, which can terminate the execution of a database query responsive to a user selection of an audibly presented query result.

(7) Bruce fails to teach or suggest that database query results can be presented through an AUI as the results are determined concurrently with the execution of the database operation.

(8) Gould fails to display a list of query result items and allow user to make a selection from the list.

Examiner respectfully disagrees with Applicant's arguments and resubmits that

As to point (1), Gould teaches a database query operation (by definition, database means a file composed of records; *the examiner interprets a database query operation as a command (query operation) to retrieve matches from templates (database), see col. 4, lines 49-67*).

As to point (2), Gould discloses terminating a database query operation responsive to a speech response. When a match is made with a user's speech, the CPU is finished, and termination occurs (col. 6, lines 24-34).

As to point (3), Gould teaches query results (see col. 5, lines 6-16) can be presented through an AUI (the examiner interprets AUI as browser 66 where the user inputs a query using auditory commands). The claim language does not specify that the results of the query must be presented in an auditory manner.

As to point (4), Gould teaches a dialog manger that manages the audible presentation of database query result items concurrently with the database operation (col. 3, lines 36-49). Since the system must recognize queries/input as they are being processed, there is a manager (monitor software) that manages what has been entered but not yet processed.

As to point (5), Gould very explicitly teaches a text-to-speech processor (col. 4, lines 12-15). Gould states that text can be entered into a speech recognizer window, after which, the "document" (ie, text) is transferred to the application.

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As to point (6), Gould teaches the barge-in facility taught in the Applicant's invention, which can terminate the execution of a database query responsive to a user selection of an audibly presented query result (col. 6, lines 24-34). When an appropriate match is made, the "barge-in" facility prevents the CPU from any further processing.

As to point (7), Bruce teaches that database query results can be presented through an AUI as the results are determined concurrently with the execution of the database operation (col. 2, lines 54-63). The inputted information is sent to a database, where it is processed. The communication, Bruce further teaches, can be done through an AUI (*through a voice interactive system*)

At to point (8), Gould teaches displaying a list of query items to the user. (figure 15b, items 310, 312) In fact, Gould displays all the available query items, since a user's input commands can only be either a dictated text or a spoken command. (figure 15b, items 310, 312)

Furthermore, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., allowing a user to indicate which match is the desirable one) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

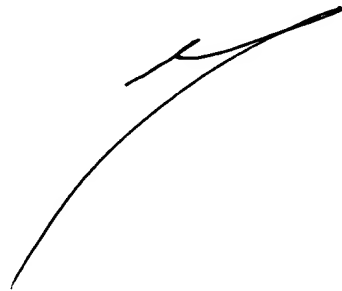
Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh T. Vu whose telephone number is (571) 272-4073. The examiner can normally be reached on Mon-Thur and every other Fri 7:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thanh T. Vu

A handwritten signature in black ink, consisting of a series of fluid, connected strokes that form a stylized representation of the name 'Thanh T. Vu'.